

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LYUDMILA JOHNSON

Plaintiff,

v.

ALBERTO GONZALES¹, et al.,

Defendants.

No. C07-01220-RSM

JOINT STIPULATION AND
ORDER TO CONTINUE
DISPOSITIVE MOTIONS

WHEREAS on December 27, 2007, Plaintiff filed a motion for summary judgment on her mandamus claim seeking an order compelling Defendants to complete the background checks and fully adjudicate her Application to Adjust Status (Dkt. #11).

WHEREAS on January 22, 2007, Defendants filed an opposition and cross motion for summary judgment arguing that Plaintiff's Application cannot be fully adjudicated because her name checks remain pending at the Federal Bureau of Investigation (Dkt. #14).

WHEREAS the dispositive motions are currently noted for consideration on the Court's calendar for today, February 15, 2008 (Dkt. #14).

WHEREAS on February 4, 2008, U.S. Citizenship and Immigration Services revised its policy on national security adjudication and reporting requirements for certain immigration applications. See Exhibit A. It appears that the revised policy will affect Plaintiff's pending

¹ Pursuant to Federal Rule of Civil Procedure 25(d), newly appointed Attorney General Michael B. Mukasey, should be substituted for Alberto Gonzales as a Defendant.

1 Application, and that USCIS will likely be able to take administrative action by March 10, 2008,
2 which will likely moot out this lawsuit.

3 WHEREAS, the parties JOINTLY AGREE and RESPECTFULLY REQUEST that the
4 Court continue the pending dispositive motions to allow the administrative action to proceed.

5 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
6 stipulate and agree that the Court may make and enter the following order:

7 Plaintiff's Motion for Summary Judgment and Defendants' Cross-Motion for Summary
8 Judgement are re-noted for consideration on the Court's calendar for March 14, 2008. The
9 parties shall immediately notify the Court if Defendants take administrative action on Plaintiffs'
10 pending Application, that moots out this lawsuit.

11
12 SO STIPULATED.

13 DATED this 15th day of February, 2008.

14
15 s/ Steven P. Recor
16 STEVEN P. RECOR, WSBA# 6259
17 2100 116th Ave NE
18 Bellevue, WA 98004
19 (425) 451-1400
20 Email: srecor@hermanrecor.com
21 Attorneys for Plaintiff

22 SO STIPULATED.

23 DATED this 15th day of February, 2008.

24 JEFFREY C. SULLIVAN
25 United States Attorney

26 s/ Kristin B. Johnson
27 KRISTIN B. JOHNSON, WSBA# 28189
28 Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
(206) 553-4576
E-mail: kristin.b.johnson@usdoj.gov
Attorney for Defendants

ORDER

IT IS SO ORDERED. Plaintiff's Motion for Summary Judgment and Defendants' Cross-Motion for Summary Judgment are re-noted for consideration on the Court's calendar for March 14, 2008. The parties shall immediately notify the Court if Defendants take administrative action on Plaintiffs' pending Application, that moots out this lawsuit.

DATED this 21st day of February, 2008.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE